

APPENDIX C

**HUNSUCKER
GOODSTEIN**
HGNLAW.COM

Kate J. Udo
Attorney
Phone: 202-895-5380
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December 31, 2013

VIA Federal Express

Sandra L. Levy, Esq.
Assistant United States Attorney
Chief of Environmental Litigation, Civil Division, Eastern District of New York
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201

**RE: Phoenix Beverages, Inc. et al v. Exxon Mobil Corporation et al.
No. 1:12-cv-03771 (E.D.N.Y)**

Dear Ms. Levy,

This letter follows up on our email exchanges in which Hunsucker Goodstein provided to the Federal Third Party Defendants all of the written discovery exchanged by the Plaintiffs and Defendants to date in the above-referenced case. Pursuant to your request, enclosed please find one (1) hard drive containing all of the documents that have been exchanged between the Plaintiffs and Defendants. As we have discussed these documents are in the form of Concordance load files. This production does not contain the confidential documents that the parties have exchanged; confidential documents will be produced once an appropriate protective order is entered into by all of the parties. Plaintiffs are waiting to hear from the Defendants whether the Third Party Defendants can simply be added to the Protective Order already in place for this matter or if we need to prepare a new protective order. We will let you know as soon as we hear from the Defendants.

The Plaintiffs' document production corresponds to the categories and explanations set forth in the Plaintiffs' responses to the Defendants' document requests and interrogatories. The corresponding bates ranges for each of the identified categories is as follows:

Category	Bates Number Range
A	PBQE00000001 – PBQE00196012
B	PBQE00196013 – PBQE00207606, PBQE00219916 – PBQE00220055,

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Category	Bates Number Range
	and PBQE00220076 – PBQE00220222
C	PBQE00207607 – PBQE00212847, PBQE00219903, PBQE00220063, PBQE00220234 – PBQE00220518, and PBQE00241264 – PBQE00241309
D	PBQE00212848 – PBQE00213093
E	PBQE00213094 – PBQE00213104, and PBQE00222169 – PBQE00222171
F	PBQE00213105 – PBQE00213706
G	PBQE00213707 – PBQE00218603, PBQE00221021 – PBQE00221035, PBQE00222172 – PBQE00241195, and PBQE00241310 – PBQE00241734
H	PBQE00218604 – PBQE00218665, PBQE00220223 – PBQE00220224, and PBQE00222142 – PBQE00222168
I	PBQE00218666 – PBQE00218998
J	PBQE00218999 – PBQE00219391
K	PBQE00219392 – PBQE00219576
L	PBQE00219577 – PBQE00219676, PBQE00220225 – PBQE00220233, and PBQE00220519 – PBQE00220525
M	PBQE00219677 – PBQE00219902,

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Category	Bates Number Range
	PBQE00220526 – PBQE00221020, and PBQE00221036 – PBQE00221142
N	PBQE00221143 – PBQE00221626
O	PBQE00221627 – PBQE00222141, PBQE00241196 – PBQE00241263
PINNACLE SUBPOENA	PRSUB00000001- PRSUB00000118

To date the Defendants have not provided information to indicate which documents correspond to which document request or interrogatory.

Should you have any questions or problems loading these documents, please do not hesitate to contact us.

Very truly yours,
Hunsucker Goodstein PC

/s/ Kate J. Udo

Kate J. Udo

Enclosure

cc (via electronic mail without enclosures):

Andrew E. Anselmi, Esq., McCusker, Anselmi, Rosen, & Carvelli
Alicyn Craig, Esq., McCusker, Anselmi, Rosen, & Carvelli
Kristina Pasko, Esq., McCusker, Anselmi, Rosen, & Carvelli
Allen G. Reiter, Esq., Arent Fox LLP
Adrienne M. Hollander, Esq., Arent Fox
Camille V. Otero, Esq., Gibbons PC



Kate J. Udo
Attorney
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December 30, 2013

VIA Federal Express

Camille V. Otero, Esq.
Adam C. Arnold, Esq.
Gibbons P.C.
One Gateway Center
Newark, NJ 07102

RE: Phoenix Beverages, Inc. et al v. Exxon Mobil Corporation et al.
No. 1:12-cv-03771 (E.D.N.Y)

Dear Counsel,

This letter follows up on our email exchanges in which Hunsucker Goodstein provided to the Third Party Defendants all of the written discovery exchanged by the Plaintiffs and Defendants to date in the above-referenced case. Pursuant to your request, enclosed please find the two (2) hard drives containing all of the documents that have been exchanged between the Plaintiffs and Defendants. As we have discussed these documents are in the form of Concordance load files. This production does not contain the confidential documents that the parties have exchanged; confidential documents will be produced once an appropriate protective order is entered into by all of the parties. Plaintiffs are waiting to hear from the Defendants whether the Third Party Defendants can simply be added to the Protective Order already in place for this matter or if we need to prepare a new protective order. We will let you know as soon as we hear from the Defendants.

The Plaintiffs' document production corresponds to the categories and explanations set forth in the Plaintiffs' responses to the Defendants' document requests and interrogatories. The corresponding bates ranges for each of the identified categories is as follows:

Category	Bates Number Range
A	PBQE00000001 – PBQE00196012
B	PBQE00196013 – PBQE00207606, PBQE00219916 – PBQE00220055,

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Category	Bates Number Range
	and PBQE00220076 – PBQE00220222
C	PBQE00207607 – PBQE00212847, PBQE00219903, PBQE00220063, PBQE00220234 – PBQE00220518, and PBQE00241264 – PBQE00241309
D	PBQE00212848 – PBQE00213093
E	PBQE00213094 – PBQE00213104, and PBQE00222169 – PBQE00222171
F	PBQE00213105 – PBQE00213706
G	PBQE00213707 – PBQE00218603, PBQE00221021 – PBQE00221035, PBQE00222172 – PBQE00241195, and PBQE00241310 – PBQE00241734
H	PBQE00218604 – PBQE00218665, PBQE00220223 – PBQE00220224, and PBQE00222142 – PBQE00222168
I	PBQE00218666 – PBQE00218998
J	PBQE00218999 – PBQE00219391
K	PBQE00219392 – PBQE00219576
L	PBQE00219577 – PBQE00219676, PBQE00220225 – PBQE00220233, and PBQE00220519 – PBQE00220525
M	PBQE00219677 – PBQE00219902,

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Category	Bates Number Range
	PBQE00220526 – PBQE00221020, and PBQE00221036 – PBQE00221142
N	PBQE00221143 – PBQE00221626
O	PBQE00221627 – PBQE00222141, PBQE00241196 – PBQE00241263
PINNACLE SUBPOENA	PRSUB00000001- PRSUB0000118

To date the Defendants have not provided information to indicate which documents correspond to which document request or interrogatory.

Should you have any questions or problems loading these documents, please do not hesitate to contact us.

Very truly yours,
Hunsucker Goodstein PC

/s/ Kate J. Udo

Kate J. Udo

Enclosures

cc (via electronic mail without enclosures):

Andrew E. Anselmi, Esq., McCusker, Anselmi, Rosen, & Carvelli
Alicyn Craig, Esq., McCusker, Anselmi, Rosen, & Carvelli
Kristina Pasko, Esq., McCusker, Anselmi, Rosen, & Carvelli
Allen G. Reiter, Esq., Arent Fox LLP
Adrienne M. Hollander, Esq., Arent Fox
Sandra L. Levy, Esq., Assistant United States Attorney

Levy, Sandra (USANYE)

From: Kate Trinward Udo <kudo@hgnlaw.com>
Sent: Wednesday, December 18, 2013 7:47 PM
To: Otero, Camille V.; Stacey Myers
Cc: Hatfield, William S.; Mark Kindt (Contractor); Levy, Sandra (USANYE)
Subject: RE: Discovery in Phoenix Beverages Matter

A file has been sent to you via the [YouSendIt](#) File Delivery Service.

Download the file - [Phoenix Discovery](#)

Your file will expire after 14 days.

Camille,

Per your request, attached please find a folder containing the written discovery exchanged by Defendants and Plaintiffs to date. If you have any trouble downloading this yousendit folder, please let me know and we can send you a CD with these documents.

This folder contains the following documents:

- **Defendants' Subpoenas**
 - Diageo-Guinness (Production and Deposition)
 - Barbara Guibord
 - Charles Kaiser
 - DMJ-Cresswood-et al
 - EEA Inc.
 - Fred Kaiser
 - Haley & Aldrich (Duces Tecum and Deposition)
 - Herman Kay Company
 - IVI
 - IVI Due Diligence Services
 - Kay Realty Company
 - Kay Realty LLC
 - Kelley Drye (Duces Tecum and Deposition)
 - Mystic, Inc.
 - Paul Homsy
 - Pinnacle Realty
 - JP Morgan (Duces Tecum and Deposition)
 - NYSDEC
- **Exxon's Discovery Requests**
 - Document Requests to Plaintiffs
 - Interrogatories to Plaintiffs
- **Exxon's Discovery Responses**
 - Privilege Log
 - Responses to Plaintiffs' RFAs
 - Responses to Plaintiffs' Interrogatories
 - Written Responses to Plaintiffs' Document Requests
 - Rule 26 Disclosures

- **Plaintiffs' Discovery Requests**
 - Document Requests to Quanta
 - Interrogatories to Quanta
 - Document Requests to Exxon
 - Interrogatories to Exxon
 - Document Requests to ExxonMobil Research & Engineering
 - Interrogatories to ExxonMobil Research & Engineering
 - Requests for Admission to Exxon
 - 30(b)(6) Deposition Notice to Quanta
 - 30(b)(6) Deposition Notice to Exxon
 - Notice of Deposition to Gene Prashker (Quanta)
- **Plaintiffs' Discovery Responses**
 - Rule 26 Disclosures
 - Responses to Exxon's Interrogatories
 - Written Responses to Exxon's Document Requests
 - Responses to Quanta's Interrogatories
 - Written Responses to Quanta's Document Requests
 - Privilege Log
- **Plaintiffs' Subpoenas**
 - NYC Law Department
 - NYC Department of Environmental Protection
 - NY State Department of Environmental Conservation
 - P&G-Clairol
 - Ford (never served, informed no documents)
- **Quanta's Discovery Requests**
 - Document Requests to Plaintiffs
 - Interrogatories to Plaintiffs
- **Quanta's Discovery Responses**
 - Privilege Log
 - Amended Rule 26 Disclosures
 - Responses to Interrogatories
 - Written Responses to Document Requests

Should you have any questions, please do not hesitate to let us know. As soon as we hear from you with regards to your vendor information, we can provide load files of the documents that have been exchanged by the parties.

Thanks kindly, Kate

Kate Udo

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